

HB 981 -- TRANSFER OF LAND BETWEEN MUNICIPALITIES

SPONSOR: Brattin

This bill changes the process by which real property may be detached from one municipality and annexed by another municipality that touches the boundary of the property. The bill requires that notice of the detachment and annexation be given and that a public hearing be held.

Prior to setting the public hearing, the annexing municipality must prepare a plan of intent to provide services to the area to be annexed and file the plan in the municipal clerk's office of both municipalities. The information the plan must contain is detailed in the bill.

After the filing of the plan in both municipalities' clerks' offices, notice of a joint hearing must be given at least 15 but no more than 30 days in advance of the hearing. Each municipality must mail, by certified mail return receipt requested, notice of the joint hearing to each owner of record of real property within the boundaries of the detached and annexed area.

Each municipality also must choose two additional forms of providing notice of the joint public hearing from a provided list. What must be included in the plan is set out in the bill.

The hearing must be held at a place mutually agreed upon by the municipalities. A separate quorum of each municipality's governing body must be present to conduct the hearing.

If no residents live in the area to be detached and annexed or if less than 50% of the residents file a written objection to the action within 30 days following the joint public hearing, then each municipality must adopt an ordinance particularly describing the area and approving the annexing municipality's plan of intent.

If more than 50% of the residents file a written objection with both of the city clerks, then the issue must be put to a public vote. An approval by a majority in each municipality is required or the proposal fails. If the proposal passes, then each municipality's governing body must adopt an ordinance describing the property by metes and bounds. When certified copies of the ordinances are filed with certain county officials as set out in the bill, the detachment and annexation will be completed.